



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. ccxxxix.

An Act to incorporate the *Edinburgh, Leith, and Granton Railway Company* with the *Edinburgh and Northern Railway Company*.

[22d July 1847.]

WHEREAS an Act was passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making and maintaining a Railway or Railways from the City of Edinburgh to Leith, and to the Shore of the Frith of Forth at or near to Newhaven and Trinity, all in the County of Edinburgh*: And another Act was passed in the Second and Third Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the Seventh Year of the Reign of His Majesty King William the Fourth, intituled "An Act for making and maintaining a Railway or Railways from the City of Edinburgh to Leith, and to the Shore of the Frith of Forth at or near to Newhaven and Trinity, all in the County of Edinburgh;" and to alter and vary the Lines and Levels of the Railways thereby authorized to be made; and for other Purposes relating to the said Undertaking*; and another Act was passed in the Seventh and Eighth

6 & 7 W.4.
c. 131.

2 & 3 Vict.
c. 51.

[Local.] 38 C Years

7 & 8 Vict.
c. 81.9 & 10 Vict.
c. 57.

Years of the Reign of Her present Majesty, intituled *An Act to alter, explain, revive, and continue the Powers and Provisions of the Acts relating to the Edinburgh, Leith, and Newhaven Railway, and to make Two Branch Railways therefrom*; and another Act was passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to amend and enlarge the Powers of the Acts relating to the Edinburgh, Leith, and Granton Railway*: And whereas the Company thereby incorporated under the Style and Title of the *Edinburgh, Leith, and Granton Railway Company* have proceeded in the Execution of the Powers thereby granted, and the Railway and Branch Railways authorized by the said several Acts have been completed, and are now in operation: And whereas an Act was passed in the Eighth and Ninth Year of the Reign of Her present Majesty, intituled "*The Edinburgh and Northern Railway Act, 1845*," and the following Acts were passed in the Ninth and Tenth Year of the Reign of Her said Majesty, *videlicet*, "*The Edinburgh and Northern Railway, Tay Ferry, Act, 1846*," "*The Edinburgh and Northern Railway (Newport Railway Extension) Act, 1846*," "*The Edinburgh and Northern Railway (Pettycur Harbour Branch and Deviation) Act, 1846*," "*The Edinburgh and Northern Railway (Dunfermline Branch) Act, 1846*," and "*The Edinburgh and Northern Railway (Strathearn Deviation) Act, 1846*:" And whereas the Company by the said last-recited Acts incorporated under the Style and Title of the *Edinburgh and Northern Railway Company* have proceeded in the Execution of the Powers thereby granted, and the Railways and Works authorized by the last-recited Acts are in progress of Construction: And whereas it would be advantageous to the Public and to the Proprietors of the said Companies if the Undertakings of such Companies were consolidated, and if the said several Companies were incorporated in One Company in manner herein-after mentioned; but these Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the granting of the Certificate under the Seal of the Commissioners of Railways herein-after mentioned the *Edinburgh, Leith, and Granton Railway Company*, and the *Edinburgh and Northern Railway Company*, shall be and the same are hereby dissolved.

Dissolution
of certain
Companies.

Certain Acts
to continue
in force not-
withstanding
Dissolution
of Com-
panies.

II. Provided nevertheless, and be it enacted, That, notwithstanding the Dissolution of the said Companies, the said recited Acts, and any other Act passed in the present Session relating to either of the said Companies, except in so far as such Acts are varied by or are inconsistent with this Act, shall continue in force, and the Provisions thereof (except as aforesaid) shall be extended and applied to the Company hereby incorporated, and shall be incorporated with and form Part of this Act, and the same (except as aforesaid) shall remain valid and effectual to all Intents and Purposes, and may be used and enforced by and against the Company hereby incorporated in every respect as if this Act had not been passed.

III. And

III. And be it enacted, That, save as by this Act is otherwise expressly provided, nothing herein contained shall extend in any way to defeat, affect, or prejudice any Rights, Privileges, Liberties, Powers, Accommodations, or Exemptions which under or by virtue of any Acts relating to the said dissolved Companies are or shall be given, granted, or reserved to or for the Benefit of any Persons or Corporations whose Estates, Properties, or Interests are, have been, or may be affected in or by the making or maintaining or otherwise by reason or on account of the Railways and Works by the said Acts respectively authorized to be made and maintained, or to or for the Benefit of any other Persons or Corporations whomsoever, or to which such Persons or Corporations are or may be, or, but for the Dissolution of the said Companies, would have been otherwise entitled, under or by virtue of the said Acts or any of them, but all such Rights, Privileges, Liberties, Powers, Accommodations, and Exemptions shall be and they are hereby declared to be as valid and effectual as if the said Companies were not dissolved, and such several Persons and Corporations shall be entitled to, and shall have, use, and enjoy, the same Rights, Privileges, Liberties, Powers, Accommodations, and Exemptions, or such and so many of them as at or immediately before the granting of the said Certificate they were entitled, or as, but for the passing of this Act, they would hereafter have been entitled to have, use, and enjoy, as fully and effectually as if the said Companies had not been dissolved, and shall and may have and be entitled to such or the like Powers and Remedies upon and against the Company hereby incorporated, for securing the Possession, Use, and Enjoyment of such Rights, Privileges, Liberties, Powers, Accommodations, and Exemptions, as under the Provisions of the said Acts respectively they had or were or might have been entitled to against the said dissolved Companies or either of them in case the same had not been dissolved.

Nothing to affect existing Rights.

IV. And be it enacted, That the several Persons and Corporations who immediately before the granting of the said Certificate were Proprietors of Shares respectively in the several and respective Capitals or Joint Stocks of the said hereby dissolved Companies, and the Executors, Administrators, Successors, and Assigns respectively of such Persons and Corporations, shall be, after the granting thereof, and are hereby united into a Company, according to the Provisions herein contained or referred to, for the Purpose of making, completing, working, and maintaining all and singular the Railways, Branches, and other Works vested in, or made or authorized to be made by or for the said dissolved Companies or any of them, under the Authority of the said recited Acts or any of them, or any other Act or Acts relating to the said Companies or either of them, to be passed in the present Session of Parliament, and for the Purposes aforesaid shall be and are hereby incorporated by the Name of "*The Edinburgh and Northern Railway Company*," and by that Name shall be a Body Corporate and have a Common Seal, with perpetual Succession, and shall for the Purposes of this Act have Power to purchase and hold, and sell and dispose of Lands, under the Restrictions herein and in the said Acts contained.

Incorporation of new Company.

V. And be it enacted, That the Railways, Extension Railways, Branch Railways, and other Undertakings of the *Edinburgh and Northern*

Railways and Works vested in the

new Com-
pany.

Northern Railway Company, and the Railways and Branch Railways of the *Edinburgh, Leith, and Granton* Railway Company respectively, whether already made or in progress of Formation, or authorized by the recited Acts or any of them, or by any other Act relating to such Companies respectively, or either of them, already passed or which may be passed in the present Session of Parliament, and all Works attached thereto respectively, or made or provided for the Purposes thereof respectively, or by or for the Use of the said dissolved Companies respectively, together with all Stations, Embankments, Drains, Tunnels, Arches, Piers, Bridges, Sluices, Gates, Ways, Roads, Landing Places, Quays, Wharfs, Warehouses, Houses, and other Buildings, Cranes, Weighing Machines, Engines, Rails, and other Works and Appurtenances belonging to the said dissolved Companies, and all Lands, Tenements, Rights, Powers, and Privileges whatsoever, and the Benefit of all Contracts, Agreements, and Proceedings in any way relating thereto, or in or to which the dissolved Companies or either of them were seised, possessed, or entitled, at Law or in Equity, at or immediately before the granting of the said Certificate, and all Interests and Property, at Law or in Equity, of the said dissolved Companies or either of them, in any other Railways or Works, shall be and are hereby declared to be well and effectually vested in and to belong to the Company hereby incorporated, for their absolute Benefit, and such Railways, Branches, and Works shall be called the "*Edinburgh and Northern Railway*."

Other Pro-
perty and
Effects
vested in
Company.

VI. And be it enacted, That all the Monies, Goods, Steam and other Engines, Machinery, Carriages, Trucks, Waggon, Ropes, live and dead Stock, Shares, Bonds, Deeds, Securities, Books, Writings, Maps, Plans, and other Personal Estate and Effects of or to which the said dissolved Companies or either of them were possessed or entitled, at Law or in Equity, on or immediately before the granting of the said Certificate, shall be vested in and belong to the Company hereby incorporated, for their absolute Benefit; and all Rates, Tolls, Duties, Debts, and Monies which are or may become due to the said dissolved Companies or either of them shall be due and payable to the said Company hereby incorporated, and shall and may be recovered by the Company hereby incorporated, with all the Interest thereon (if any), by the same Ways and Means, under the same Restrictions and Regulations, and with and under the same Penalties in regard thereto, as the same could have been recovered by the said dissolved Companies, or such of them to whom the same would have been due and payable, if this Act had not passed; and all Debts and Monies which on or immediately before the granting the said Certificate may be due and owing by or recoverable from the said dissolved Companies or either of them, or for the Payment of which they or either of them are liable, shall be paid, with all Interest (if any) due or to accrue thereon, by or be recoverable from the Company hereby incorporated.

Contracts to
remain in
force.

VII. And be it enacted, That all Purchases, Sales, Dispositions, Conveyances, Leases, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities, granted, made, or entered into, at or before the granting of the said Certificate, to, with, in favour of, or by or for the said dissolved Companies or either of them, or any Person on their

their or either of their Behalf, and then subsisting, shall be and remain good, valid, and effectual, in favour of or against and with reference to the Company hereby incorporated, and may be proceeded on and enforced in the same Manner, to all Intents and Purposes, as if the Company hereby incorporated had been a Party to and executed the same, or had been named or referred to therein instead of the Persons, Companies, or Parties already named therein respectively.

VIII. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever, commenced or carried on, either by or against the said dissolved Companies or either of them, previously to the granting of the said Certificate, shall abate or be discontinued or prejudicially affected by this Act, but shall continue and take effect, both in favour of and against the Company hereby incorporated, in all respects as the same would have continued and taken effect in relation to the said dissolved Companies or either of them if this Act had not been passed; and all Penalties incurred by any Offence against the Provisions of the said recited Acts or any of them previously to the granting of the said Certificate shall and may be sued for, and all Offences which may have been committed before the granting of the said Certificate against the Provisions of the said recited Acts or any of them may be prosecuted, as the same might have been sued for and prosecuted respectively if this Act had not been passed, the Company hereby incorporated being in reference to the Matters aforesaid in all respects substituted in the Place of the said dissolved Companies respectively.

Actions, &c.
not to abate.

IX. And be it enacted, That every Agreement, Contract, or Deed on or before the granting of the said Certificate made, executed, or entered into, and then subsisting, between, by, or on behalf of the said dissolved Companies or either of them and any Person or Corporation, whereby any Matter in dispute between such Companies or either of them and such Person or Corporation shall have been referred or agreed to be referred to the Arbitrament or Determination of any Arbitrators or Umpire, shall be and remain as good, valid, and effectual, in favour of or against and with reference to the said Company hereby incorporated, and may be proceeded in and enforced in favour of or against the said Company, as if the Matter in dispute thereby referred was Matter in dispute between the said Company and such Person or Corporation, and as if the said Company had been Party to and executed or entered into the same instead of the Company by or on whose Behalf the same was executed or entered into as aforesaid; and every Decree Arbitral or Award which shall be made under or by virtue of any such Agreement, Contract, or Deed shall be made in favour of or against the Company hereby incorporated, and shall be as binding and effectual, to all Intents and Purposes, in the same Manner in all respects as if this Act had not been passed.

Awards of
Arbitrators
in Matters
already re-
ferred to
Arbitration
to be binding.

X. And be it enacted, That all Powers, Rights, Options, Privileges, Provisions, Matters, and Things reserved, contained, or granted in and by any Act of Parliament, other than the Acts relating to the said Companies respectively, to or for the Benefit of or to be recovered by the said dissolved Companies or either of them, and not

Provisions in
favour of the
dissolved
Companies
contained in
other Acts

to remain
entire.

since repealed, shall, notwithstanding the Dissolution of the said Companies, be of the like Force, Operation, and Effect as if they had not been dissolved, and shall appertain and attach to and be exercised and enforced by and in favour of the said Company hereby incorporated, in as full and effectual a Manner, to all Intents and Purposes whatsoever, as the said Powers, Rights, Options, Privileges, Provisions, Matters, and Things would have appertained and attached to and might or could have been exercised and enforced by the said dissolved Companies or either of them in case this Act had not been passed.

Contracts
for Land to
be com-
pleted.

XI. And be it enacted, That in all Cases in which either of the said dissolved Companies, previously to the granting of the said Certificate, shall, under the Powers or Provisions of any of the said recited Acts, have entered into any Contract for the Purchase of or shall have taken or used any Land which before the granting of the said Certificate shall not have been effectually conveyed to such Company, or the Purchase Money in respect of which shall not have been duly paid by such Company, then and in every such Case such Contract, if in force, shall be completed, and such Land, if a Conveyance thereof can be called for or enforced, shall be conveyed to the Company hereby incorporated, or as such Company shall direct, and that such Purchase Money shall be paid and applied pursuant to the Act or Acts under which such Contract shall have been made or such Land shall have been taken or used; and all the Clauses, Provisions, Powers, and Authorities contained in such Act or Acts in relation to the Completion of such Contract, and the Purchase and Conveyance of such Land, and the Payment and Application of the Purchase Monies in respect thereto, shall for the Purposes of this Act remain in full Force, and shall be construed and taken as if the said Company hereby incorporated had been named in such Act or Acts and Contracts respectively instead of the Company which shall have entered into such Contract or taken or used such Land.

Application
of certain
Monies pay-
able under
Act relating
to the dis-
solved Com-
panies.

XII. And be it enacted, That in all Cases in which under the Provisions of any of the said Acts any Sum of Money has previously to the granting of the said Certificate been paid by either of the said dissolved Companies into any Bank, or to any Trustee or Trustees, on account of the Purchase of any Land or any Interest therein, or for any Compensation or Satisfaction or on any other Account, such Sum, or the Stock, Funds, or Securities in or upon which the same has been or shall be invested, either by the Order of the Directors or otherwise howsoever, and the Interest, Dividends, and annual Produce thereof, shall be applied and disposed pursuant to the Act or Acts under which the same has been or shall be so paid into the Bank, or to such Trustee or Trustees as aforesaid; and all the Clauses, Provisions, and Authorities contained in such Act or Acts in relation to such Monies, Stocks, Funds, and Securities, and the Dividends and annual Produce thereof, shall for the Purposes of this Act remain in full Force, and shall be construed and taken as if the Company hereby incorporated were named in such Act or Acts instead of the dissolved Company to which such Act or Acts specially relate; and all Applications to the Court of Session or other Courts, and other

Acts, Matters, or Things which may be made or done with respect to such Money, Stocks, Funds, or Securities, may be made and done by the Company hereby incorporated, either in their own Name or in the Name of the Company by whom or on account of whom such Money was paid as aforesaid.

XIII. And be it enacted, That all Railways, Extensions, Branches, and Works, Matters, and Things which under the Provisions of the Acts relating to the said Companies or any of them the said dissolved Companies or either of them are or may be authorized or required to make, execute, or complete, or so much thereof as shall not have been already made, executed, or completed, and all Repairs thereof, and all Regulations and Restrictions which by the said Acts respectively were imposed upon the dissolved Companies respectively, shall and may be constructed, maintained, done, executed, performed, and passed by and enforced against the Company hereby incorporated, as fully to all Intents and Purposes as the same are by the said Acts or any of them authorized and required to be done, maintained, observed, performed, and kept by the several and respective Companies to which they respectively relate, and as if the several Provisions in such Acts in reference thereto had been repeated and re-enacted in this Act, and been made applicable to the Company hereby incorporated; and the said Railways, Extensions, Branches, and other Works shall be and are hereby vested in and incorporated with the Undertaking of the said Company: Provided nevertheless, that where any particular Time is by the said Acts limited for the Completion of such Works the same shall be executed and completed within the Period so limited.

Railways
and Works
to be com-
pleted by
Company
hereby in-
corporated.

XIV. And be it enacted, That all Works and Things which under the Provisions of the said recited Acts or any of them, or any other Act relating thereto, the said dissolved Companies or either of them were bound, required, empowered, or made liable to make, construct, complete, or maintain, and all Repairs thereof respectively, and all Regulations and Restrictions which under the Provisions of the said Acts were imposed upon or required to be observed by the said dissolved Companies or either of them, for the Safety, Protection, Accommodation, Convenience, Enjoyment, and Benefit of Persons and Corporations whose Estates, Properties, or Interests were or might be affected by the making and maintaining of the said Railways, Branch Railways, and Works by the said Acts or any or either of them authorized to be made and maintained by or otherwise vested in the said dissolved Companies or any of them, and for the Protection of such Estates, Properties, and Interests, and for securing the Enjoyment of such Estates, Properties, and Interests as aforesaid, and all such Payments, annual and in gross, as under the Provisions of the said Acts or any of them were required to be made by the said dissolved Companies or either of them, or such and so many of the aforesaid Works, Acts, Matters, Things, Regulations, Restrictions, and Payments as the said dissolved Companies or any of them would have been bound or liable to construct, complete, maintain, make, do, execute, observe, perform, or pay, in case this Act had not been passed, shall be constructed, maintained, made, done, executed, observed,

Works, &c.
required to
be done by
dissolved
Companies
for Benefit of
Landowners,
&c. to be
performed
by new
Company.

observed, performed, kept, and paid by the Company hereby incorporated, as fully to all Intents and Purposes and in the same Manner as the same were by the said Acts or any of them required to be made, done, executed, maintained, observed, performed, kept, and paid by the said dissolved Companies or any or either of them, and as if the several Provisions in the said Acts or any or either of them contained in reference thereto respectively had been specially repeated and re-enacted in and by this Act, and had been made applicable to the Company hereby incorporated.

If dissolved Companies are empowered in present Session to construct new Branches, the same to be done by new Company.

XV. And be it enacted, That if any Act or Acts shall be passed in the present Session, giving to the said dissolved Companies or either of them any Powers to make any Branch or Branches, or any Alteration of any Part of their respective Undertakings, or otherwise in relation thereto, and to raise additional Capital for such Purposes, and to levy Tolls, such Powers, from and after the granting of the said Certificate, shall become vested in and be exercised by the Company hereby incorporated as effectually as if the same Powers had been directly granted to such Company, and the Capital thereby empowered to be raised shall be raised by the Company hereby incorporated, and shall be added to and form Part of the Capital of such Company.

Officers, &c. appointed under recited Acts to continue until removed.

XVI. And be it enacted, That every Officer and Servant appointed by virtue of or acting under the Authority of the said recited Acts or any of them, and not acting contrary to the Provisions and Directions in this Act contained, shall hold and enjoy their respective Offices and Employments, together with the Salary or Emolument thereunto respectively attached, and be respectively deemed Officers and Servants of the Company hereby incorporated, until removed therefrom; and every such Officer and Servant shall have the same Powers, and be subject and liable to the same Power of Removal, and to the same Pains and Penalties, and to the same Rules and Regulations, as if he had been appointed by the Company hereby incorporated.

Bye Laws, &c. relating to the dissolved Company to remain in force till altered by new Company.

XVII. And be it enacted, That all Rules, Bye Laws, Regulations, and Orders made under the Authority and according to the Directions of any of the Acts relating to the said dissolved Companies or either of them, and which were in force immediately before the granting of the said Certificate, shall continue to be in full Force and Effect with reference to the several Matters to which they respectively relate, until the same Rules, Bye Laws, Regulations, and Orders shall be repealed, altered, or varied by the Company hereby incorporated, under the Powers contained in this Act; and the said Rules, Bye Laws, Regulations, and Orders, and all Penalties and Forfeitures imposed by the said Bye Laws, shall be enforced, recovered, and applied by the Company hereby incorporated in the same Manner in all respects as such Rules, Bye Laws, Orders, and Regulations might have been enforced and such Penalties might have been recovered and applied by the said dissolved Companies respectively.

Books, &c. to be Evidence.

XVIII. And be it enacted, That all Books and other Documents whatsoever, by the said Acts or any of them authorized or directed
to

to be kept, and thereby made Evidence, shall still be admitted as Evidence in all Courts of Law and Equity or elsewhere against or in favour of the said Company hereby incorporated.

XIX. And be it enacted, That the several Maps or Plans and Books of Reference which in pursuance of the said Acts or any of them have been deposited with the respective Sheriff Clerks of the several Counties to which the same relate shall remain in the Custody of such Sheriff Clerks respectively, and all the Provisions in the said Acts or any of them contained as to the Correction of Errors and Omissions therein, the Custody or Production and making Copies and Extracts of the same, and that such Copies or Extracts shall be Evidence, shall for the Purposes of this Act continue in full Force, and shall be construed and taken as if the Company hereby incorporated had been named in such Acts respectively instead of the Company named therein.

Maps, &c.
deposited to
remain with
Sheriff
Clerks.

XX. And be it enacted, That the Company hereby incorporated shall, as soon as conveniently may be after the granting of the said Certificate, enter in the Register of Shareholders directed to be kept by "The Companies Clauses Consolidation, *Scotland, Act, 1845,*" the several Amounts and Numbers of Stock and Shares respectively to which the several Shareholders of the said dissolved Companies shall have become entitled under this Act of and in the Capital of the Company hereby incorporated; and on the Demand of any such Shareholder who under this Act shall become entitled to any Stock or Share in the Company hereby incorporated, and who shall deliver up the Certificate of the Stock or Share held by him in any or either of the dissolved Companies for the Purpose of being cancelled, or who shall prove to the Satisfaction of the Directors that his Certificate has been worn out, lost, or destroyed, the Directors shall cause a Certificate of the Proprietorship of the Stock or Share in the Capital of the Company hereby incorporated to be delivered to such Shareholder.

New Regis-
ter and Cer-
tificate.

XXI. And whereas the present Share Capital of the *Edinburgh and Northern Railway Company* is One million and eighty-five thousand Pounds, divided into Twenty-six thousand Shares of Twenty-five Pounds each and Twenty-nine thousand Shares of Fifteen Pounds each: And whereas the present Share Capital of the *Edinburgh, Leith, and Granton Railway Company* is Three hundred and ten thousand Pounds, divided into Fifteen thousand five hundred Shares of Twenty Pounds each; be it enacted, That as soon as may be after the granting of the said Certificate the Company hereby incorporated shall issue Twenty-six thousand Shares of Twenty-five Pounds each, Twenty-nine thousand Shares of Fifteen Pounds each, and Fifteen thousand five hundred Shares of Twenty Pounds each; and the respective Sums which previously to the granting of the said Certificate shall have been paid up on account of the said several Shares respectively shall be deemed Payments on account of Shares issued under this Act.

New Shares
to be issued.

Capital of
Company.

XXII. And be it enacted, That the Sum of One million three hundred and ninety-five thousand Pounds, the total Amount of the several Shares herein-before mentioned, shall be the Capital of the Company hereby incorporated.

Apportion-
ment of
Shares.

XXIII. And be it enacted, That every Person and Corporation who on or immediately before the granting of the said Certificate was a Proprietor of One or more Shares of the nominal Value of Twenty-five Pounds each in the Capital of the *Edinburgh and Northern Railway Company* shall receive in lieu thereof a like Number of Shares of the nominal Value of Twenty-five Pounds in the Capital of the Company hereby incorporated; and every Person and Corporation who immediately on or before the granting of the said Certificate was entitled to One or more Shares of the nominal Value of Fifteen Pounds each in the Capital of the *Edinburgh and Northern Railway Company*, shall receive in lieu thereof a like Number of Shares of the same nominal Value of Fifteen Pounds each in the Capital of the Company hereby incorporated; and every Person and Corporation who on or immediately before the granting of the said Certificate was entitled to One or more Shares of the nominal Value of Twenty Pounds each in the Capital of the *Edinburgh, Leith, and Granton Railway Company* shall receive in lieu thereof a like Number of Shares of the nominal Value of Twenty Pounds each in the Capital of the Company hereby incorporated; and every such Share in the Capital of the said Company, and every Person in whom any One or more of such Shares is or are hereby vested, shall stand and be possessed of every such Share upon the same Trusts and for the same Purposes and under and subject to the same Powers and Provisions respectively as the Shares in the dissolved Companies in lieu of which the Shares in the Company hereby incorporated as aforesaid were immediately before the Time aforesaid held upon and subject or liable to.

Power to en-
force Calls
in arrear.

XXIV. And be it enacted, That as to any of the Shares in the said dissolved Companies or either of them upon which at the Time of the granting of the said Certificate Calls have been made and not paid up, it shall be lawful for the Company hereby incorporated to call for and enforce Payment of the Monies due and to become due upon such Shares in the same Manner as if such Monies had been called for or required under the Powers in this Act contained or referred to with reference to the Shares hereby created, and the Company and the Directors shall have all such and the same Rights and Remedies for obtaining and enforcing the Payment of such Monies, by Forfeiture, Action, or otherwise, as are hereby expressly or by reference given in respect of Shares created under the Authority of this Act.

Dividends.

XXV. And be it enacted, That the Portion of the Stock of the said *Edinburgh, Leith, and Granton Company* before mentioned which is New or Preference Stock, and which under the Act creating the same is entitled to a Dividend of Five *per Cent.*, shall continue to be entitled to such Dividend, of which the Company now incorporated shall

shall guarantee Four *per Cent.*, and the Portion of the Stock of the *Edinburgh, Leith, and Granton* Company which is postponed shall guarantee or shall be chargeable with the Difference.

XXVI. And be it enacted, That, except as herein otherwise provided for, the Profits of the Company hereby incorporated shall be divided among the several Proprietors of Stock and Shares of and in the Capital of such Company rateably according to the nominal Amount of their respective Stock and Shares: Provided always, that until the opening of the Main Line of the *Edinburgh and Northern* Railway the Holders of the aforesaid Shares of Twenty Pounds each shall draw the Dividends thereupon from the Revenues of the *Edinburgh, Leith, and Granton* Railway, and the *Edinburgh and Northern* Railway Company shall not be liable for nor participate in any Dividends on such Shares to any Extent whatever previous to the opening of their said Main Line.

Profits to be divided rateably as to Holders of 20*l.* Shares drawing Dividends.

XXVII. And be it enacted, That, except as respects any Shares which are in lieu of Shares created under the Powers contained in any of the said recited Acts relating to the *Edinburgh and Northern* Railway Company, passed in the Eighth and Ninth and in the Ninth and Tenth Years of the Reign of Her present Majesty, it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation (*Scotland*) Act, 1845, in that Behalf contained.

Interest not to be paid on Calls paid up.

XXVIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Deposits for future Bills not to be paid out of the Company's Capital.

XXIX. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond duly stamped under the Corporate Seal of the Company hereby incorporated, any Sum not exceeding in the whole, inclusive of the Sums already borrowed under the Authority of the Acts relating to the hereby dissolved Companies respectively, or any of them, One Third of the Capital of the Company; but no Money shall be borrowed until the whole of the Capital

Power to borrow Money on Mortgage.

as

as provided and authorized by the said recited Acts respectively shall have been subscribed, and One Half thereof paid up.

Mortgages under former Acts to have Priority.

XXX. Provided always, and be it enacted, That all Mortgages or Securities already granted under the Powers of the said recited Acts or any of them, during the Continuance thereof, shall have Priority over the Mortgages or Securities to be granted under the Powers of this Act.

First and other Meetings.

XXXI. And be it enacted, That the First Ordinary Meeting of the Company shall be held within Three Months after the granting of the said Certificate, and the subsequent Ordinary Meetings of the Company shall be held in the Manner prescribed by the first hereinbefore recited Acts relating to the *Edinburgh and Northern Railway Company*.

Number and Qualification of Directors.

XXXII. And be it enacted, That the Number of Directors of the Company hereby incorporated shall be Twelve, and the Qualification of a Director shall be the Possession in his own Right of Shares in the Undertaking amounting in the aggregate to the Sum of One thousand Pounds of nominal Value.

First Directors.

XXXIII. And be it enacted, That *Robert Landale Esquire, Peter Cameron Esquire, William Tullis Esquire, Thomas Mansfield Esquire, John Thompson Esquire, Charles Balfour Esquire, John Balfour Esquire, Edward Ellice junior, Esquire, James Horn Burnett Esquire, Erskine Douglas Sandford Esquire, James Cowan Esquire, and Sir William Dunbar Baronet* shall be the First Directors of the Company, and all future Elections of Directors shall take place as prescribed by the said recited Acts relating to the *Edinburgh and Northern Railway Company*.

Same Tolls to be levied as authorized by recited Acts.

XXXIV. And with respect to the Tolls to be levied by the Company hereby incorporated in respect of the Railways and Works hereby vested in or authorized to be made, completed, and maintained by them, be it enacted, That it shall be lawful for the said Company to demand, take, recover, and receive, for the Use of the said Railways and other Undertakings, and for the drawing, propelling, and conveyance of Goods, Articles, Matters, or Things, Passengers, Cattle, or Animals, upon the same Railways and Undertakings or any Part or Parts thereof, the Tolls, Rates, and Duties authorized to be levied by the said recited Acts respectively.

8 & 9 Vict. cc. 17. 19. & 33. applied to this Act.

XXXV. And be it enacted, That the Companies Clauses Consolidation (*Scotland*) Act, 1845, the Railways Clauses Consolidation (*Scotland*) Act, 1845, and the Lands Clauses Consolidation (*Scotland*) Act, 1845, shall, so far as the same are applicable, and are not modified by this Act, or inconsistent with the Provisions thereof and the said recited Acts, be held to apply to the Purposes of this Act, and shall be read and construed as forming Part thereof.

XXXVI. And

XXXVI. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the said Ninth and Tenth Years of the Reign of Her Majesty, intituled *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said Railways or the said Company hereby incorporated from the Provisions of the said several Acts respectively, but such Provisions shall be in force in respect to the said Railways and Company so far as the same shall be applicable thereto.

Railway Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XXXVII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this Act incorporated from the Provisions of any general Act relating to Railways, or of any general Act relating to Railways which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges expressly or by reference authorized by this Act.

Railways to be subject to Provisions of any future general Act.

XXXVIII. Provided always, and be it enacted, That the Amalgamation of the said Companies hereby authorized as aforesaid shall not take effect unless and until it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal, previously to the Completion of such Amalgamation, that One Half of the whole Amount of the Capital (exclusive of Loans) by the Acts relating to each of the said Companies authorized to be raised has been actually paid up and expended for the Purposes authorized by such Acts respectively.

Amalgamation not to take place until certified by Commissioners that One Half of Capital is paid up.

XXXIX. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act or incidental thereto shall be paid by the said Companies or the Directors thereof out of the first Monies that shall come to their Hands, and in preference to any other Payment whatsoever.

Expences of Act.

XL. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, Parliamentary Notices, and other Proceedings, it shall be sufficient to use the Expression "The

Short Title.

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10° & 11° VICTORIÆ, *Cap.*ccxxxix.

Edinburgh and Northern Railway Company and Edinburgh, Leith, and Granton Railway Company Amalgamation Act."

Public Act. XLI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

LONDON : Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1847.